IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 131 of 2000
With
CRI. MISC. APPLICATION NO. 3378 OF 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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R G BANDBAR SENIOR FOOD INSPECTOR - Appellant

Versus

NAGINLAL CHHOTALAL SHAH & 2 - Respondents

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Appearance :
MR PRANAV G DESAI with Mr. Manish Upadhyay for Appellant,
MR RAJESH K SHAH for Respondent No. 1,
MR DAKSHESH MEHTA for Respondent No.2,
Mr. K.C. Shah, Ld. APP for Respondent No.3.
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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 13/09/2005

ORAL JUDGMENT

1.The appellant Vadodara Municipal Corporation through its Senior Food Inspector has preferred the present

appeal under section 378 of the Code of Criminal Procedure, challenging the order dated 7-9-1998 passed by learned JMFC (Muni.) Vadodara, in Criminal Case no. 1681 of 1998, discharging the accused amounting to acquitting him on the ground that the report dated 27-8-1998 at exhibit-14 from Director of Central Food Laboratory, Calcutta, indicates that the sample in question was not adulterated. Being aggrieved and dissatisfied with this order of discharge/acquittal, the present appeal is preferred by the appellant Vadodara Municipal Corporation, challenging the impugned order of discharge/acquittal of the accused.

2. This Court has perused the material on record and heard the learned counsels for the parties at length. The order impugned in this acquittal appeal does not call for any interference in view of the fact that the Director of Central Food Laboratory, Calcutta dated 27-8-1998 at exhibit-14 in terms states that the sample of Madhuram Pure Vanaspati was not adulterated. It is an established position of law that the report of the Central Food Laboratory is a conclusive evidence. When the report itself indicates that the sample food article was not adulterated, there is no point in

framing the charge relying upon the report of the Public Analyst. The Full Bench of this Court in case of PRAHLADBHAI AMBALAL PATEL Vs. STATE OF GUJARAT & ANR, reported in 1984 (2) G.L.R. pg. 1380 has amply held that the report of the Central Food Laboratory being conclusive, the report of the Public Analyst can not be gone into.

3. In view of this facts & circumstances, this Court is of the view that the order of discharge/acquittal dated 7-9-1998 passed in Criminal Case No. 1681 of 1998 by learned JMFC (Muni.), Vadodara, does not call for any interference. The appeal, therefore, deserves to be dismissed and is dismissed accordingly.

4. As the appeal is dismissed, Misc. Criminal Application No. 3378 of 1999 which was originally filed for seeking leave to appeal would not survive, and the same stands disposed of as rejected.

[S.R. BRAHMBHATT, J]

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